

Serial No. 09/731,773
Docket No. MA-456-US

REMARKS

Claims 1-20 are all the claims presently pending in the application. Entry of this Amendment is proper under 37 CFR §1.116, since no new claims or issues are raised and fewer issues will be presented for Appeal.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Examiner objects to claims 1, 2, 6, 7, 12, and 13 because of the word "node" was inadvertently changed to "mode" in the previous Amendment. Applicant believes that the above claim amendments correct this oversight and respectfully requests that the Examiner reconsider and withdraw this objection.

Claims 1-10 and 12-16 stand rejected under 35 U.S.C. 102(e) as being anticipated by Carpenter (U.S. Patent No. 6,067,603). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter, in view of Jhang, et al. (U.S. Patent No. 6,253,292). Claims 17-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter, further in view of US Patent 6,505,318 to Quach et al.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The claimed invention is directed to a data access method used in a network system having several node devices connected for communications configured so that each node device can execute certain processing by accessing memories in the several node devices or cache memories at a higher access speed.

Serial No. 09/731,773
Docket No. MA-456-US

The method includes, in each node device, executing a speculative access to the memories in the system while reading out, from a tag memory, a tag information as information related to a data storage status in the cache memories provided in the system. Thereinafter, it is decided whether or not to abolish the data acquired from the memories by the speculative access according to the tag information read out. The tag information indicates a data storage status being one of three possible states, including: 1) data is not found in any of said node devices; 2) data is found in more than one of said node devices; and 3) data is found in only one node device.

The conventional method described beginning at line 11 of page 1 of the specification, suffers lower performance because of its lack of a method to control access to data stored in the common memory.

The claimed invention, on the other hand, provides a method of controlling access to the common memory in which the request for the data is being processed at the same time as it is being checked whether the data is currently being used by one or more processors.

II. THE PRIOR ART REJECTIONS

The Examiner alleges that Carpenter anticipates the claimed invention defined by claims 1-10 and 12-16 and, when modified in accordance with Jhang, renders obvious the invention defined in claim 11, and, when modified in accordance with Quach, renders obvious the invention defined in claims 17-20. Applicant submits, however, that, in spite of arguable similarities, there are elements of the claimed invention which are neither taught nor suggested by Carpenter.

Specifically, although the Examiner alleges that Carpenter teaches the invention defined by the independent claims, Applicant submits that the final limitation is clearly not

Serial No. 09/731,773
Docket No. MA-456-US

taught or suggested in Carpenter. More specifically, the Examiner points to lines 47-55 of column 7 as demonstrating this final limitation (e.g., "... 3) *data is found in only one node device*").

Applicant submits that the description at lines 43-44 of column 4 (e.g., "... *consider the E state to be merged into the M state for correctness*"), as confirmed by the entries of Table VI in columns 7-8, show that there is no dependency in Carpenter of this third, final limitation.

The Examiner relies upon Jhang to demonstrate that it would be obvious to modify Carpenter to provide a tag memory in the communication mechanism and upon Quach to demonstrate for the MESI protocol. However, neither Jhang nor Quach overcomes the above identified deficiency in Carpenter.

Hence, turning to the clear language of the claims, in Carpenter there is no teaching or suggestion of: "...wherein said tag information indicates a data storage status comprising one of three possible states, including: ... 3) data is found in only one mode device", as required by the independent claims.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 09/731,773
Docket No. MA-456-US

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 8/3/05



Frederick E. Cooperrider
Registration No. 36,769

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner Perez Daple on August 3, 2005.



Frederick E. Cooperrider
Reg. No. 36,769